

REMARKS

Claims 1 through 15 remain in this application. Claims 1, 7, 13, 14, and 15 have been amended.

Claim Rejections-35 USC § 102(a)

In the Office Action, claims 1-15 are rejected under 35 USC 102(a) as being anticipated by Roustaei (U.S. Patent No. 5,777,314.)

Claim 1

Claim 1 is being rejected as being unpatentable over Roustaei (5,777,314.) Claim 1 recites “the illumination module comprising an array of one or more reflectors that reflect light of a light source and collectively generate a uniform illumination pattern both for illuminating a target data area and providing visual aiming assistance, wherein there is a distinct light source element per reflector.”

In order to anticipate an invention under 35 USC 102(a), the cited reference must contain all the limitations contained in a particular claim that the reference is deemed to anticipate. In the instant case, the present invention claims a 2D data collection sensor where the illumination pattern is generated for both illuminating the image and providing visual aiming assistance. As quoted in Roustaei column 3 lines 47-50, the reference recites “If a bar code is scanned at close range, a lower level of light will provide a strong signal. However, at greater distances from the bar code, higher light intensity is necessary to achieve a good quality signals at the CCDs.” The CCDs mentioned in Roustaei are used for detecting the image, not

for providing aiming assistance. This limitation is not contained in the Roustaei reference, which merely discloses aiming the window of the device at the image.

Thus the present invention is not in any way anticipated by Roustaei. Accordingly, Applicants respectfully suggest that the § 102 (a) rejection to claim 1 be withdrawn and an indication of allowance be made.

Claims 2-6

In the Office Action claims 2-6 have also been rejected as being anticipated by Roustaei under 35 USC § 102(a). Claims 2-6 are dependent from Claim 1. As shown above, Roustaei does not disclose the limitations as disclosed in claim 1. Consequently, dependent claims 2-6 are not anticipated by Roustaei. In light of the above, Applicant respectfully requests that § 102(a) rejection to claims 2-6 be withdrawn and an indication of allowance be made.

Claim 7

Claim 7 is being rejected as being unpatentable over Roustaei (5,777,314.) Claim 1 recites “the illumination module comprising an array of one or more reflectors that reflect light of a light source and collectively generate a uniform illumination pattern both for illuminating a target data area and providing visual aiming assistance, wherein there is a distinct light source element per reflector.”

In order to anticipate an invention under 35 USC 102(a), the cited reference must contain all the limitations contained in a particular claim that the reference is deemed to anticipate. In the instant case, the present invention claims a 2D data collection sensor where the illumination pattern is generated for both illuminating the image and providing visual aiming assistance. As quoted in Roustaei column 3 lines 47-50, the reference recites “If a bar

code is scanned at close range, a lower level of light will provide a strong signal. However, at greater distances from the bar code, higher light intensity is necessary to achieve a good quality signals at the CCDs.” The CCDs mentioned in Roustaei are used for detecting the image, not for providing aiming assistance. This limitation is not contained in the Roustaei reference, which merely discloses aiming the window of the device at the image.

Thus the present invention is not in any way anticipated by Roustaei. Accordingly, Applicants respectfully suggest that the § 102 (a) rejection to claim 1 be withdrawn and an indication of allowance be made.

Claims 8-12

In the Office Action claims 8-12 have also been rejected as being anticipated by Roustaei under 35 USC § 102(a). Claims 8-12 are dependent from Claim 1. As shown above, Roustaei does not disclose the limitations as disclosed in claim 7. Consequently, dependent claims 8-12 are not anticipated by Roustaei. In light of the above, Applicant respectfully requests that § 102(a) rejection to claims 8-12 be withdrawn and an indication of allowance be made.

Claim 13

In the Office Action claim 13 has been rejected since this claim recites similar components as in claims 1 and 7. As shown above, Roustaei does not disclose the limitations as disclosed in claims 1 and 7. Consequently, claim 13 are not anticipated by Roustaei. In light of the above, Applicant respectfully requests that § 102(a) rejection to claim 13 be withdrawn and an indication of allowance be made.

Claim 14-15

Claims 14-15 are being rejected as being unpatentable over Roustaei (5,777,314.)

Claims 14-15 recites “the illumination pattern provides both image illumination and visual aiming assistance, wherein there is a distinct light source element per reflectors.”

In order to anticipate an invention under 35 USC 102(a), the cited reference must contain all the limitations contained in a particular claim that the reference is deemed to anticipate. In the instant case, the present invention claims a 2D data collection sensor where the illumination pattern is generated for both illuminating the image and providing visual aiming assistance. As quoted in Roustaei column 3 lines 47-50, the reference recites “If a bar code is scanned at close range, a lower level of light will provide a strong signal. However, at greater distances from the bar code, higher light intensity is necessary to achieve a good quality signals at the CCDs.” The CCDs mentioned in Roustaei are used for detecting the image, not for providing aiming assistance. This limitation is not contained in the Roustaei reference, which merely discloses aiming the window of the device at the image.

Thus the present invention is not in any way anticipated by Roustaei. Accordingly, Applicants respectfully suggest that the § 102 (a) rejection to claims 14-15 be withdrawn and an indication of allowance be made.

CONCLUSION

In view of the foregoing, the Applicant believes that all of the claims are now in condition for allowance and respectfully request the Examiner to issue a timely Notice of Allowance in this case. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to call the undersigned attorney at 650-325-4999 so that any remaining issues may be resolved.

The above changes are believed not to add new matter, as support is found in the specification as described above.

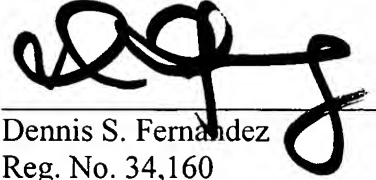
Claims 1-15 remain in this application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

STATEMENT OF SUBSTANCE OF INTERVIEW

During the telephone interview with the examiner on January 26th, 2005, Applicants directed examiner's attention to Claim 1 to indicate that the cited reference did not infer that the illumination pattern provides visual aiming assistance. Examiner pointed out that column 7 line 10-11 of Roustaei patent inferred that the higher intensity light can be used to help aim the scanner at the barcode.

As quoted in Roustaei column 3 lines 47-50, the reference indicates that the higher light intensity is used for detecting the image, not for providing visual aiming assistance. This limitation is not contained in the Roustaei reference, which merely discloses aiming the window of the device at the image.

Respectfully submitted,



Dennis S. Fernandez
Reg. No. 34,160

Date: 2/2/05

Address: **FERNANDEZ & ASSOCIATES LLP**
Patent Attorneys
1047 El Camino Real
Menlo Park, CA 94025

Customer No: **22877**

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com